

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review by)	
)	
Rachel Kohl Community Library)	File No. SLD-126197
Glen Mills, Pennsylvania)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: July 11, 2003

Released: July 14, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Rachel Kohl Community Library (Kohl), Glen Mills, Pennsylvania, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Specifically, Kohl requests review of the circumstances surrounding the denial of their application for Funding Year 2002 consideration.² In the alternative, Kohl requests a waiver of the filing deadline for Funding Year 2002.³ For the reasons set forth below, we grant the Request for Review and remand to SLD for consideration.

2. In its Request for Review, Kohl states that it mailed its Form 471 application prior to the deadline to SLD, its intended recipient.⁴ In the alternative, Kohl requests a waiver of the filing deadline for Funding Year 2002.⁵

¹ Letter from Kathleen Pileggi, Rachel Kohl Community Library, to Federal Communications Commission, filed October 30, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. §54.719(c).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

3. Based on our review of the record, we conclude that Kohl submitted their application in a timely manner within the filing window for Funding Year 2002. The certified mail receipt shows that the application was postmarked on January 16, 2002 and offers sufficient proof that Kohl satisfied SLD's application requirements.⁶ Starting with the application process for Funding Year 4, SLD, in consultation with the Commission, directed that FCC Forms 471 would be considered filed when postmarked, not when received.⁷ The new policy is designed to ensure that applicants are held harmless in the event of a failure of the postal system or courier to deliver the application within a reasonable period of time.⁸

4. Therefore, we grant the request for review and remand Kohl's application to SLD for consideration. However, by remanding we do not suggest an outcome for Kohl's application. Furthermore, because we have granted Kohl's request for review, we find it unnecessary to consider its waiver request.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Rachel Kohl Community Library, Glenn Mills, Pennsylvania, on October 30, 2002 IS GRANTED AND REMANDED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ See Request for Review.

⁷ See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2000) (Form 471 Instructions); *see also Request for Waiver by Alpine County Unified School District, Federal-State Joint Board on Universal Service, Changes to the Board of the National Exchange Carrier Association, Inc.*, File No. NEC. 471.01-24-00.5400170, CC Docket Nos. 96-45 and 97-21, Order 17 FCC Rcd 1718 (Com. Car. Bur. 2002)(starting with Funding Year 4, SLD directed FCC Forms 471 would be considered filed when postmarked).

⁸ *Id.*